

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHLOÉ, S.A.S., J. CHOO LIMITED

Plaintiffs,

- against -

KEN CHEN a/k/a SHU CHEN a/k/a XIANG
CHEN, DANIEL DOE, GODDESS

TRADING d/b/a

GODDESSTRADING@HOTMAIL.COM,

LUXUNG GOODS, LUXURY GOODS,

TERRY DOE d/b/a

AZNTERRY911@HOTMAIL.COM, JASON

DOE d/b/a JARRY326@YAHOO.COM.CN,

FASHION HANDBAGS, BENNY DOE,

JEANCARLO DOE, JOSEPH a/k/a JOSE

DOE, SISI a/k/a CECI DOE, TOP LUXURY

HANDBAGS d/b/a

LUXURYHANDBAGS277@YAHOO.COM,

FRANCISCO DOE, BEN DOE, CARLOS

DOE, INSTYLE LUXURY HANDBAGS,

CORINA DOE a/k/a QIMIAO HU a/k/a QI

MIAO HU, KENNY DOE a/k/a YE GUO

a/k/a GUO Q YE, NEWCOME TRADING

d/b/a TOSCA, QUICK GLOBAL SHIPPING,

HOWARD EXPRESS SHIPPING, RANDY

DOE, and various JOHN and JANE DOES 1-

10 and XYZ COMPANIES

(UNIDENTIFIED),

Defendants.

Civil Action No.: 07 CV 6491 (WCP)

**[FILED UNDER SEAL
PURSUANT TO 15 U.S.C. § 1116]**

**DECLARATION OF GREGORY A.
NYLEN IN SUPPORT OF REPLY TO
DEFENDANTS NEWCOME TRADING,
INC.'s d/b/a TOSCA, NEW WEALTH,
INC.'s d/b/a TOSCA and TOSCA
HANDBAGS' OPPOSITION TO THE
TEMPORARY RESTRAINING ORDER,
SEIZURE ORDER, ORDER TO SHOW
CAUSE FOR A PRELIMINARY
INJUNCTION, EXPEDITED DISCOVERY
ORDER, ORDER RESTRAINING ASSETS
AND ORDER SEALING FILE AND
OPPOSITION TO CROSS-MOTION FOR
RELEASE OF SEIZED ASSETS**

I, Gregory A. Nylén, declare as follows:

1. I am an attorney licensed to practice law in the State of California. I am a shareholder at the law firm of Greenberg Traurig, LLP, counsel to Chloé, S.A.S. and J. Choo Limited (collectively, "Plaintiffs"). I make this declaration in support of Plaintiffs' Reply to Defendants Newcome Trading, Inc.'s ("Newcome") d/b/a Tosca, New Wealth, Inc.'s ("New Wealth") d/b/a Tosca and Tosca Handbags' ("TH") (collectively, "Tosca



Defendants”) Opposition to Plaintiffs’ *ex parte* Application for a Temporary Restraining Order, Seizure Order, Order to Show Cause for a Preliminary Injunction, Expedited Discovery Order, Order Restraining Assets and Order Sealing File (“TRO”) and Opposition to Tosca Defendants’ Cross-Motion for Release of Seized Assets as it applies to the Tosca Defendants. If called as a witness, I could testify to the following upon personal knowledge and/or upon my review of GT’s files on this matter.

2. On July 26, 2007, I participated in the execution of the TRO upon Defendant New Wealth at 3801 Broadway Place, Los Angeles, CA 90037. During the seizure, I spoke with a man who identified himself as Joseph Choi, Sales/Marketing Director of New Wealth Trading d/b/a TOSCA USA. I also spoke with a man who identified himself as Jason Chang, Sales/Marketing Associate of New Wealth Trading d/b/a TOSCA USA. Attached hereto as Exhibit A are true and correct photocopies of these individuals’ business cards that they handed to me during the seizure.

3. When I spoke to Mr. Choi and Mr. Chang, they stated Newcome representatives had alerted them prior to our arrival that GT attorneys would be coming to their business, and that, as a result, New Wealth was expecting us. It was clear to me that the New Wealth representatives that I met were not the least bit surprised by our arrival and acted in a fashion that confirmed they were expecting me.

4. I observed in the New Wealth warehouse high stacks of goods, sometimes nearly to the ceiling. There were noticeable gaps in those stacks (the piles were significantly lower) where they kept the style numbers identified as Counterfeit Products. In fact, some of these particular stacks were in disarray, as opposed to the neatly stacked piles surrounding them.

I declare under penalty of perjury under the laws of the United States of America
that the foregoing is true and correct. Executed on August 2, 2007 at Santa Monica,
California.



Gregory A. Nylén

EXHIBIT

A

TOSCA[®]USA
New Wealth Trading Inc.

Joseph Choi

Sales/Marketing Director

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TOSCA[®]USA
New Wealth Trading Inc.

Jason Chang

Sales/Marketing Associate

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